

United States District Court

NORTHERN DISTRICT OF IOWA

UNITED STATES OF AMERICA,

VS.

CRAIG NESTEBY

ORDER SETTING CONDITIONS OF RELEASE

Case Number: 09cr1001-1

General Conditions of Release

IT IS ORDERED that the defendant be released on the following conditions:

- (1) The defendant must report to the U.S. Probation Office, telephone number 319-286-2370, as directed by his/her probation officer.
- (2) The defendant must not, while on release, commit any offense in violation of federal, state, or local law.
- (3) The defendant must advise the Clerk of Court, the U.S. Probation Office, his/her lawyer, and the U.S. Attorney in writing before changing his/her address or telephone number.
- (4) The defendant must appear at all proceedings in this case as required by the court, and surrender for service of any sentence imposed by the court.
- (5) The defendant must maintain or actively seek employment. Any new employment must be pre-approved by the defendant's probation officer. The defendant must allow the U.S. Probation Office to notify the defendant's employer or prospective employer of the nature and status of the criminal charges pending against the defendant in this case if, in the discretion of the defendant's probation officer, such notice is appropriate.
- (6) The defendant must not, without the prior written consent of his/her probation officer, associate with any of the following persons: (a) anyone who has been convicted of a felony; (b) anyone who is engaged in criminal activity; or (c) anyone who is unlawfully using, distributing, or in possession of narcotic drugs or other controlled substances.
- (7) The defendant must not use or possess narcotic drugs or other controlled substances, unless prescribed by a licensed medical practitioner. The defendant also must not, except pursuant to a cooperation agreement and with the prior written consent of his/her probation officer, be at any place where narcotic drugs or other controlled substances are unlawfully used, sold, or stored.
- (8) The defendant must not possess or allow to be present in his/her residence any firearms, ammunition, destructive devices, or other dangerous weapons.
- (9) The defendant must report to his/her probation officer, within 72 hours, the details of any contact the defendant has had with any law enforcement personnel, whether direct or indirect, including any traffic stop, questioning, or arrest.
- (10) The defendant must not, without the prior consent of his/her probation officer, travel farther than a hundred miles from the defendant's residence.

Special Conditions of Release

TO THE DEFENDANT:

YOU ALSO ARE ORDERED TO COMPLY WITH THE FOLLOWING SPECIAL CONDITIONS. YOU MUST:

- () (a) execute a bond or an agreement to forfeit the following sum of money or designated property, enforceable upon your failure to appear as required by the court or to surrender for service of any sentence imposed in this case.
- () (b) execute a bail bond with solvent sureties in the amount of \$ _____, enforceable upon your failure to appear as required by the court or to surrender for service of any sentence imposed in this case.
- () (c) remain confined to your residence as provided in this paragraph. During such home confinement, you will be monitored by, and must pay the costs associated with, the following:

- ___ Voice Verification
- ___ RF Electronic Monitoring
- ___ Passive GPS Electronic Monitoring
- ___ Active GPS Electronic Monitoring

While confined to your residence, you will abide by the following restrictions:

- ___ **Curfew:** You are restricted to your residence every day () from _____ o'clock __.M. to _____ o'clock __.M.; or () as directed by your probation officer.

- ___ **Home Detention:** You are restricted to your residence at all times except for employment, education, religious services, medical appointments or emergencies, substance abuse treatment or therapy, mental health treatment or therapy, attorney visits, court appearances, court-ordered obligations, and other activities as pre-approved by your probation officer.

- ___ **Home Incarceration:** You are restricted to your residence at all times except for religious services, medical emergencies, court-ordered obligations, court appearances, and other activities as pre-approved by your probation officer.

You must not (1) modify, obstruct, or tamper with; (2) attempt to modify, obstruct, or tamper with; or (3) take any action intended to interfere with the efficiency or accuracy of any device or procedure provided for under these pretrial conditions or by the U.S. Probation Office for any type of testing or monitoring.

- () (d) return to custody each (week) (day) at _____ after being released each (week) (day) at _____ for employment, schooling, or the following limited purpose(s): _____.
- () (e) reside in a Residential Re-Entry Center. While a resident of the Residential Re-Entry Center, you must abide by all rules and regulations of the facility. You must report to the Residential Re-Entry Center at the time and date directed by the Residential Re-Entry Center and the U.S. Probation Office.
- () (f) not obtain a new passport, and if you have a current passport, you must surrender it to your probation officer.
- () (g) abide by the following restrictions on your personal associations, the place where you live, and your travel: _____.
- () (h) have no contact, direct or indirect, with any persons who are or may become victims or potential witnesses in the subject investigation or prosecution, including the following persons: _____.
- () (i) have no contact, direct or indirect, with _____.
- () (j) not knowingly associate with any member or associate member of any gang. If you are found to be in the company of such individuals while wearing the clothing, colors, or insignia of a gang, the court will presume this association was for the purpose of participating in gang activities.
- () (k) attend and make acceptable progress in the following educational program(s): _____.
- (☒) (l) participate in and successfully complete a program of testing and treatment for substance abuse. You must not (1) modify, obstruct, or tamper with; (2) attempt to modify, obstruct, or tamper with; or (3) take any action intended to interfere with the efficiency or accuracy of any device or procedure provided for under these pretrial conditions or by the U.S. Probation Office for any type of testing or monitoring.

- (☒) (m) not use alcohol or enter bars, taverns, or other establishments whose primary source of income is derived from the sale of alcohol.
- () (n) participate in the Remote Alcohol Testing Program during any period of your supervision. You must abide by all rules and regulations of the Remote Alcohol Testing Program and pay the costs associated with this program as determined by the U.S. Probation Office.
- () (o) not be on the premises of any casino during any period of your supervision. You must not participate in any form of gambling, including lotteries, pull-tab cards, card games, on-line wagering, horse and dog racing, or sports betting.
- () (p) participate in a mental health evaluation and/or treatment program. This may include participation in a sex offender treatment program or any such similar program. You must take all medications prescribed to you by a licensed psychiatrist or physician.
- () (q) undergo medical or psychiatric treatment and/or remain in an institution as follows: _____
- () (r) have no contact, direct or indirect, with anyone under the age of 18 without the prior written consent of your probation officer. You also must not go to places where persons under the age of 18 are likely to be present, such as parks, beaches, pools, daycare centers, playgrounds, and schools.
- () (s) provide the U.S. Probation Office with access to any computer and/or electronic storage device you own or have access to for random, periodic, and unannounced searches and monitoring. Such searches may include examinations of such computer(s) and any internal and external peripherals, including electronic storage devices; the removal of all such peripherals and devices for examination and inspection; and the retrieval and copying of all data for inspection. You also must allow the U.S. Probation Office to install any hardware or software systems to monitor or filter your computer use, and allow the U.S. Probation Office to examine any new hardware and software before it is installed on any such computers, peripherals, or devices.
- () (t) not own, use, or have in your possession pornography or erotica. You also must not go into any place where pornography or erotica can be obtained or viewed. You must not view or produce any form of pornography or erotica. You also must not use the Internet to view or use pornography or erotica.
- () (u) pay all current and past due child support payments as ordered by any state or federal court. You also must cooperate with any requests from any state child support recovery unit in the collection and satisfaction of such obligations.
- () (v) provide the U.S. Probation Office with access to any requested financial information.
- () (w) not maintain or accept any employment in which you would be in a fiduciary position.
- () (x) _____
- () The court finds that release under the above conditions will not, by itself, reasonably assure the appearance of the defendant and the safety of other persons and the community. Based on this finding, **IT IS FURTHER ORDERED** that the release of the defendant is subject to the following additional condition:

The defendant is placed in the custody of:

(Name of person or organization) _____
(Address) _____
(City and state) _____
(Telephone number) _____

who agrees to (1) supervise the defendant, and use every reasonable effort to assure that the defendant will abide by all of the conditions of his/her release; (2) use every reasonable effort to assure that the defendant appears at all proceedings as required and surrenders for service of any sentence imposed; and (3) notify the court immediately in the event the defendant disappears or violates any conditions of release.

Signed: _____

Custodian or Proxy

Date

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, and/or both.

The commission of any crime while on pre-trial release may result in an additional sentence to a term of imprisonment of not more than ten years, if the offense is a felony, or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to five years of imprisonment, a \$250,000 fine, or both to intimidate or attempt to intimidate a witness, victim, juror, informant or officer of the court, or to obstruct a criminal investigation. It is also a crime punishable by up to ten years of imprisonment, a \$250,000 fine, or both to tamper with a witness, victim or informant, or to retaliate against a witness, a victim or informant, or to threaten or attempt to do so.

If, after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender, and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than ten years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case, and that I am aware of the conditions of release listed above. I agree to (1) obey all of the conditions in this bond, (2) appear as directed, and (3) surrender for service of any sentence imposed. I also acknowledge that I am aware of the penalties and sanctions for not abiding by any of these agreements or conditions.

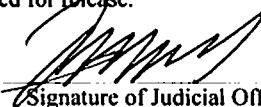


Signature of Defendant

Directions to United States Marshal

- (X) The defendant is **ORDERED** released after processing.
() The United States Marshal is **ORDERED** to keep the defendant in custody until notified by the U.S. Probation Office that the defendant has posted bond and/or complied with all other conditions required for release.

Date: January 15, 2009



Signature of Judicial Officer

Jon S. Scoles
U.S. Magistrate Judge
Name and Title of Judicial Officer